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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,468	06/23/2003	Alex J. Draughon	60655.1200	7233
66170	7590	11/18/2011		
Snell & Wilmer L.L.P. (AMEX) ONE ARIZONA CENTER 400 E. VAN BUREN STREET PHOENIX, AZ 85004-2202			EXAMINER PICH, PONNOREAY	
			ART UNIT 2435	PAPER NUMBER
			NOTIFICATION DATE 11/18/2011	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/601,468	Applicant(s) DRAUGHON ET AL.	
	Examiner PONNOREAY PICH	Art Unit 2435	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 1-7 and 9-20 is/are pending in the application.
- 5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 1-7 and 9-20 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claims 1-7 and 9-20 are pending.

Response to Amendments and Arguments

Applicant's arguments were fully considered. Applicant argues that Janacek's teaching of email messages being stored in a message database contrasts with "wherein the primary message is not transmitted via email". The examiner respectfully submits that applicant's argument is based on a piecemeal analysis of the references and is not responsive to the position taken by the Office. Page 9 of the previous Office action clearly recognized that Janacek does not teach the primary message is not transmitted via email and further discussed how based on Choksi's additional teachings, the limitation would have been obvious in light of what was already discussed as being taught by Janacek, Poplawski, and Choubey.

The remaining arguments are directed towards amendments to the independent claims and were also fully considered, but are moot in light of new rejections made below in response to the amendments.

Claim Objections

Claims 1, 9, and 20 are objected to because of the following informalities:

1. As per claim 1, in line 24, "indented" should be "intended". A similar informality exists with respect to claims 9 and 20 as found in the first of the new limitations added by applicant in the amendment filed on 11/10/11 in each respective independent claim.
2. Appropriate correction is required.

Claim Rejections – 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-7 and 9-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

As per claim 1, the application as originally filed does not have support for the combination of limitations of: "limiting, by the computer system, access to the primary message to the first intended recipient to a pre-selected period after which the primary message is not accessible to the first intended recipient; and maintaining, by the computer system, the primary message in the common storage area of the database for dynamic access by a second intended recipient via the secure website, wherein the primary message may be accessible to the second intended recipient after the pre-selected period".

Applicant's response filed on 11/10/11 points to paragraph 20 in the specification as support for the above new limitations. However, a complete review of paragraph 20 and the disclosure as a whole as originally filed does not appear to have support for the

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limitations being argued by applicant. Instead, paragraph 20 discusses how a message may have an expiration date and after the expiration date, the message can be made inaccessible to the user through a variety of manner such as eliminating the message from the database or archiving the message to a separate database.

Note that paragraph 20 discusses one embodiment of an invention by applicant. In this embodiment, it would appear that a message is accessible by a single user, not by a first and second user as required by claims 1. Furthermore, from what is disclosed in paragraph 20, it would appear that once a message has been eliminated or archived from the database, it no longer exists in the database, thus even if there was a second user who originally could have accessed the message, it is clear from what is disclosed that the second user can no longer access that message. One should appreciate that a second user cannot possibly access a message in a database which no longer exists.

It appears to the examiner that applicant has also attempted to combine features from an embodiment of an invention as described in paragraph 20 (where a message for a user has an expiration date) with a later discussed embodiment of an invention in which a first and second user has access to the same message in which a single copy is saved in a database and dynamically retrieved (paragraphs 22-24). There is no support in the disclosure as originally filed which shows that applicant had any invention which combines the features from these two separate embodiments as being claimed. In fact, as discussed above, it makes no sense to combine the features of these two embodiments as applicant has attempted to claim as a elimination of a message from a database after an expiry date for a first user (as discussed in paragraph 20) would

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necessarily cause a second user (if one exists) to also not be able to access that message as that message no longer exists in the database for the second user to access.

Claims 9 and 20 contain similar limitations (discussed above in the rejection of claim 1) which were newly added by applicant that also do not have support in the specification as originally filed. The remaining claims not specifically addressed are rejected by virtue of dependency.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PONNOREAY PICH whose telephone number is (571)272-7962. The examiner can normally be reached on 9:00am-4:30pm EST Mon-Thurs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ponnoreay Pich/
Primary Examiner, Art Unit 2435